

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

GARY LEE SMITH, )  
)  
Plaintiff, )  
)  
v. ) Case No. 20-2439-JAR  
)  
INTERNAL REVENUE SERVICE, )  
)  
Defendant. )

**ORDER**

After defendant filed a motion to dismiss this case on February 16, 2021,<sup>1</sup> the undersigned U.S. Magistrate Judge, James P. O’Hara, entered an order directing plaintiff to show cause by March 5, 2021, why a scheduling conference and scheduling order shouldn’t be deferred until after the presiding U.S. District Judge, Julie A. Robinson, decides the motion to dismiss.<sup>2</sup> Plaintiff filed a motion for extension of time on March 3, 2021, requesting additional time to respond to both the order to show cause and to the motion to dismiss (**ECF No. 14**). Plaintiff indicated he has not received a copy of the motion to dismiss (which defendant certifies it sent via regular mail on February 16, 2021),<sup>3</sup>

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<sup>1</sup> ECF No. 9.

<sup>2</sup> ECF No. 12.

<sup>3</sup> ECF No. 9 at 3.

and is thereby hindered in formatting responses. For good cause shown, the motion is **granted.**

IT IS THEREFORE ORDERED:

1. Defendant is directed to re-serve its motion to dismiss and memorandum in support on plaintiff via certified mail by **March 5, 2021.**
2. Plaintiff's deadline to respond to the motion to dismiss is extended to **March 26, 2021.**
3. Plaintiff's deadline to respond to the order to show cause is extended to that same date, **March 26, 2021.**

The clerk shall mail a copy of this order to plaintiff by certified and regular mail.

Dated March 4, 2021, at Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge